

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DYSON TECHNOLOGY LIMITED
and DYSON, INC.,
Plaintiffs,

v.

MAYTAG CORPORATION,
Defendant.

Civil Action No. 05-434-GMS

REDACTED FOR PUBLIC FILING

DEFENDANT HOOVER, INC.'S REPLY MEMORANDUM OF LAW IN SUPPORT OF ITS
MOTION *IN LIMINE* TO EXCLUDE THE EXPERT TESTIMONY OF PLAINTIFFS' WITNESS
JAMES WIDDOWSON AND STRIKE HIS EXPERT REPORT UNDER *DAUBERT*

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In further support of Hoover's Motion *in Limine* to bar James Widdowson's expert testimony ("Motion"), Hoover states as follows:

A.

Statistical or uncertainty analysis and repeatability and reproducibility calculations are a predicate for the admissibility of expert testimony. *See In re Paoli R.R. Yard PCB Litig.*, 35 F.3d 717, 742 (3d Cir. 1994).

C.

Dyson bears the burden of proving the reliability of Widdowson's novel averaging methodology. *See U.S. v. Downing*, 753 F.2d 1124, 1240 n.21 (3d Cir. 1985).

WHEREFORE, for the reasons stated herein, Hoover respectfully requests that this Court grant Hoover's Motion *in Limine* to Exclude the Expert Testimony of James Widdowson.

² Dyson admits that Capron-Tee did not opine this combined methodology conveyed any "meaningful information." Resp. at 4. If no meaningful information is conveyed, then Widdowson's opinion will not help the jury.

HOOVER, INC.

Dated: April 26, 2007

Respectfully submitted,

/s/ Francis DiGiovanni

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EXHIBITS A-J
HAVE BEEN REDACTED

CERTIFICATE OF SERVICE

I, Francis DiGiovanni, hereby certify that on April 26, 2007, copies of the foregoing document were served on the following counsel of record in the manner indicated:

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